



State of New Jersey

## ELECTION LAW ENFORCEMENT COMMISSION

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Chairman

WALTER F. TIMPONE  
Vice Chairman

AMOS C. SAUNDERS  
Commissioner

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### PUBLIC SESSION MINUTES

June 18, 2013

Chairman DeFilippis, Vice Chairman Timpone, Commissioner Saunders, Legal Counsel Matthews, and senior staff were present. Director of Review and Investigation Shreve Marshall was also present. Assistant Review Officer Lovinsky Joseph was present for the purpose of recording the minutes.

The Public Session Minutes will be available online in the Commission's website at: <http://www.elec.state.nj.us>.

The meeting convened at 11:00 a.m. in Trenton.

#### 1. Open Public Meetings Statement

Chairman DeFilippis called the meeting to order and announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq., adequate notice of the meeting of the Commission had been filed with the Secretary of State's Office and distributed to the entire State House Press Corps. It was also posted on the Commission's website.

#### 2. Approval of Public Session Minutes of May 21, 2013

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders, and passed by a vote of 3-0, the Commission approved the Public Session Minutes of May 21, 2013.

#### 3. Executive Director's Report

##### A. Training Sessions

Executive Director Brindle informed the Commissioners that staff would hold a remote training session in Ocean County on July 10.

B. Analytical Press Releases

The Executive Director reported that the Commission would issue analytical press releases relevant to the 11-day preelection reports filed by gubernatorial and legislative candidate committees. He stated that gubernatorial, legislative, and independent spending reached \$32 million, with \$47 million raised. Executive Director Brindle noted that gubernatorial committees spent \$6.9 million, legislative committees \$12.4 million, and independent groups \$12.3 million.

The Executive Director stated that staff had previously predicted that independent groups would spend \$25 million during the current election cycle, and added that the present rate of spending was approaching that figure.

C. Debate Sponsor Hearing – 2013 General Election

Executive Director Brindle informed the Commissioners that the Commission would hold a gubernatorial debate sponsor hearing on July 16 at 11:00 a.m., relevant to the 2013 general election. He noted that a court reporter would be present to record the proceedings.

The Executive Director stated that the Commission must select a sponsor by July 31, and added that two gubernatorial debates and one lieutenant gubernatorial debate were required if both gubernatorial candidates accepted public funds. He noted that a gubernatorial candidate that does not accept public funds may still participate in the debates voluntarily if the candidate meets the qualification threshold.

D. Newsletter Special Edition

Executive Director Brindle reported that the Commission had released a special edition of its “ELEC-Tronic” newsletter relevant to the Commission’s 40<sup>th</sup> anniversary, with a detailed chronology of the Commission’s history and significant events. He recognized Deputy Director Joseph Donohue and intern Henry Coslick for their work in drafting the newsletter.

E. Court Decisions

The Executive Director informed the Commissioners of the decision rendered by the U.S. Court of Appeals for the Eighth Circuit in the case Iowa Right to Life v. Tooker. He reported that the court upheld disclosure of corporate independent expenditures, a 48-hour disclosure requirement for such expenditures, and a ban on direct contributions by corporations.

Executive Director Brindle noted that the court struck down ongoing reporting requirements for corporate entities making independent expenditures.

F. Summer Meeting Schedule

- July 16, 2013 at 11:00 a.m. in Trenton;
- August 20, 2013 at 11:00 a.m. in Trenton (if needed); and,
- September 17, 2013 at 11:00 a.m. in Trenton.

4. Report on 2013 Gubernatorial Public Financing Program and Debates

Compliance Director Amy Davis reported that Candidate Barbara Buono filed her eighth submission for 2013 primary election matching funds on May 21 containing \$118,434 in contributions. She stated that staff completed its review of Candidate Buono's eighth submission and issued public funds totaling \$207,538 on May 24.

Compliance Director Davis additionally reported that Candidate Barbara Buono filed her ninth submission on May 28 containing \$86,706.13 in contributions. She stated that staff completed its review of Candidate Buono's submission and issued public funds totaling \$136,070 on May 31.

Director Davis further reported that Candidate Barbara Buono filed her tenth submission on June 4 containing \$74,619.50 in contributions. She stated that staff completed its review of Candidate Buono's tenth submission and issued public funds totaling \$129,770.52 on June 7.

Compliance Director Davis informed the Commissioners that to date, Candidate Buono has received public funds totaling \$1.8 million and that staff will report to the Commission at its next meeting on July 16<sup>th</sup> on the status of any submissions received.

The Compliance Director indicated that staff has issued a press release announcing the Commission is seeking debate sponsors and staff has mailed materials to interested persons on its debate sponsor mailing list. She reported that the application deadline to apply to be a general election gubernatorial/lieutenant gubernatorial debate sponsor is July 1<sup>st</sup> and that the Commission will review applications received and select debate sponsors at its next meeting on July 16<sup>th</sup>.

Compliance Director Davis noted that the deadline for gubernatorial candidates to participate in the public financing program or elect to participate in the dates, if they are not accepting public funds, is September 3, and that staff will advise the selected debate sponsors of which candidates will be participating in the debates after the September 3<sup>rd</sup> deadline.

Chairman DeFilippis asked why reimbursement rates appeared to vary between submissions.

Director Davis replied that online contributions lacking a signature were not eligible for matching funds, thus preventing a full two to one match of public funds to contributions. The public financing staff conducts a complete review of contributions submitted for match.

The Chairman asked if such contributions could receive matching funds at a later time if proper signatures were obtained.

Director Davis replied in the affirmative.

Chairman DeFilippis asked if an audit would be performed after the election.

Director Davis replied in the affirmative, and added that the Commission would solicit bids for an outside audit.

The Chairman asked if a new account was necessary for a campaign transitioning from the primary to the general election.

Director Davis replied in the affirmative. She noted that a primary election account may remain open after the primary election to resolve outstanding obligations and debt.

Chairman DeFilippis asked if a primary campaign account in debt could still solicit contributions and file submissions to the Commission.

Director Davis replied in the affirmative.

The Chairman asked if there were any Independent gubernatorial candidates.

Director Davis replied in the negative.

Chairman DeFilippis thanked the Compliance Director for her report.

5. Public Comments

The Chairman solicited comments from the general public. Seeing none, he requested a motion to enter Executive Session.

6. Resolution to go into Executive Session

On a motion by Commissioner Saunders, seconded by Vice Chairman Timpone and passed by a vote of 3-0, the Commission resolved to go into Executive Session to discuss anticipated litigation and current litigation, which will become public as follows:

- A. Final Decision Recommendations in complaint proceedings which will not become public. However, the Final Decisions resulting from those recommendations will become public not later than seven business days after mailing to the named respondents.
- B. Investigative Reports of possible violations, which reports will not become public. The reports will not become public in order to protect the identity of informants and maintain the integrity of investigative procedures and priorities. However, any complaint alleging violations, which complaint may be generated as a result of a request for investigation, will become public not later than seven business days after mailing to the named respondents.
- C. Matters under current litigation, the substance of discussions of which will not become public in order to protect the attorney-client privilege and the deliberative process. However, any litigation in which the Commission is currently a party is a public matter and will become public subject to the above limitations and privileges.
- D. Personnel matters concerning the hiring of outside legal counsel, which will become public upon appointment of such counsel.

[Return to Public Session](#)

7. Letter of Recognition

Executive Director Brindle read a letter from former Commissioner Susan Lederman congratulating staff on the occasion of the Commission's 40<sup>th</sup> anniversary, and expressing her regret at being unable to attend the Commission's anniversary celebration.

Chairman DeFilippis asked how many people had indicated they would attend.

The Executive Director replied that about 20 people stated that they would attend.

8. Adjournment

On a motion by Commissioner Saunders, seconded by Vice Chairman Timpone and passed by a vote of 3-0, the Commission resolved to adjourn at 12:30 p.m.

Respectfully submitted as true  
and correct,

Jeffrey M. Brindle  
Executive Director

JMB/elz